

REMARKS

Claim 100 is pending in the present application. Claims 1-99 have been cancelled without prejudice or disclaimer to the subject matter contained therein. Claim 100 is new.

The Examiner is respectfully requested to reconsider his rejections in view of the following remarks.

In the Office Action of January 6, 2004, the Examiner applied U.S. Patent No. 6,092,056 to Tull, Jr. et al. (hereafter "Tull") in a rejection of claims 1-99 under 35 U.S.C. § 102(e). This rejection has been rendered moot by the cancellation of claims 1-99.

New Claim

Independent claim 100 recites a combination of elements relating to the obtaining and processing of data related to the value of a business enterprise. Conversely, Tull discloses a method and system for implementing and controlling a financial instrument, and for administering a group of such instruments for investment purposes. Since Tull is concerned with financial instruments, rather than a business enterprise, the Assignee submits that Tull fails to teach or suggest the combination of elements recited in claim 100. Furthermore, the Assignee respectfully submits that the combination of elements in claim 100 is neither taught nor suggested by the other patents cited by the Examiner as being relevant.

As to the other references cited by the Examiner as pertinent, the Assignee respectfully submits that such references do not teach, nor does the Examiner assert that they teach, the aforementioned features of independent claim 100.

Conclusion

In view of the above remarks, it is believed that the claim clearly distinguish over the references relied on by the Examiner, either alone or in combination. Thus, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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